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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/838,320	
	Filing Date	April 19, 2001	
	First Named Inventor	Peter B. Everdell	
	Group Art Unit	2152	
	Examiner Name	Not Yet Assigned	
Total Number of Pages in This Submission	9	Attorney Docket Number	102689-0086

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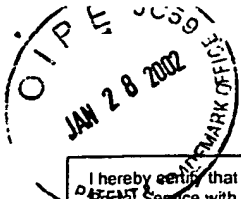
FEB 04 2002

Group 2100

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
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<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below)
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	1. Formal Figures 34b, 59 and 60n.
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	2. Pages 195, 257 and 274 application as filed.
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	3. Returned Postcard.
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual Name	NUTTER MCCLENNEN & FISH LLP Reza Mollaaghababa
Signature	
Date	December 17, 2001

Transmittal	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on the date shown below.	
Dated: December 17, 2001	Signature:  (Reza Mollaaghababa)



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Docket No.: 102689-0086  
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Group 2100

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Peter B. Everdell, et al.

Application No.: 09/838,320

Group Art Unit: 2152

Filed: April 19, 2001

Examiner: Not Yet Assigned

For: NETWORK DEVICE INCLUDING  
DEDICATED RESOURCES CONTROL  
PLANE

**PRELIMINARY AMENDMENT**

**Box Non-Fee Amendment**

Commissioner for Patents  
Washington, DC 20231

Dear Sir:

Prior to the examination of the above-referenced application, Applicants request that the enclosed FIGURES 34b, 59 and 60n be included in the application, and be afforded the filing date of the application, namely, April 19, 2001.

Applicants had earlier, in response to a Notice of Omitted Items, petitioned that the figures be included in the application. The petition was, however, dismissed without reaching any conclusion regarding the merits of Applicants remarks that the subject matter of these figures is present in the original filing, and hence, these figures do not constitute new matter.

In particular, as an initial matter, the present application claims priority, among other applications, to U.S. Application Serial No. 09/703,856, which includes FIGURES 34b, 59 and 60n.

Further, pages 195, 257 and 274 of the present application, enclosed herein for the Examiner's convenience, describe the contents of these figures with sufficient specificity to allow one of ordinary skill in the art to readily produce them.

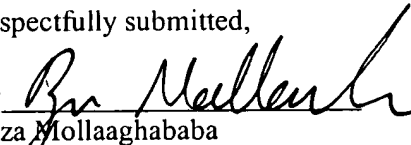
For example, FIGURE 34b, and its respective description, include and refer to components of FIGURE 34a, which is included in the present application. Further, the description of FIGURE 60n, provided on the enclosed page 274, recites in detail the entries of the table presented in this figure and further recites exemplary values from some of these entries, which are identical to those in the table. For example, the description recites that the ATM node LID 999a can have a value of 5000 and the Managed device PID 999b can have a value of 7.

Accordingly, the enclosed FIGURES 34b, 59 and 60n do not introduce any new matter. Thus, Applicants respectfully request that these figures be granted the original filing date of the present application, namely, April 19, 2001. Applicants invite the Examiner to call the undersigned if there are any remaining questions.

Dated: December 4, 2001

Respectfully submitted,

By



Reza Mollaaghababa

Registration No.: 43,810

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